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**STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH**

IN RE: **Frazier Woods Conference Center Water System**
 Water System No. 1502084

TO: Jeff Whitehurst, Director
 Frazier Woods Conference Center
 7001 Auburn Street
 Bakersfield, CA 93306

BY CERTIFIED MAIL

**CITATION FOR NONCOMPLIANCE -- Water System No. 1502084
TOTAL COLIFORM MCL VIOLATION – July 2013
Citation No. 03-19-13C-045**

Issued on September 23, 2013

STATEMENT OF FACTS

Frazier Woods Conference Center Water System (hereinafter Water System) is classified as a transient noncommunity water system and serves a transient population of approximately 250 persons through four service connections. The Water System has one active source of supply, Well 01 (PS Code: 1502084-001), one 29,000-gallon storage tank and one 5,000-gallon pressure tank. No treatment is provided to the well water. The Water System operates under the authority of a domestic water supply permit No. 03-12-96P-035, issued on November 21, 1996, by the California Department of Health Services (now California Department of Public Health).

The Southern California Drinking Water Field Operations Branch, Division of Drinking Water and Environmental Management, California Department of Public Health (hereinafter "Department") is responsible for enforcing the Safe Drinking Water Act and regulations promulgated pursuant thereto.

- 1 • The Water System is required to collect one (1) routine bacteriological sample
2 per month. Please refer to the Water System's approved Bacteriological
3 Sample Siting Plan (BSSP) or Table 64423-A.
- 4 • One (1) routine bacteriological quality sample collected on July 30, 2013, from
5 the distribution system, tested positive for total coliform bacteria.
- 6 • One (1) out of four (4) repeat bacteriological quality samples collected on July
7 31, 2013, from the distribution system, tested positive for total coliform
8 bacteria.
- 9 • One (1) repeat source sample collected on July 31, 2013, from Well 01 (also
10 counted towards the Ground Water Rule trigger sample), tested negative for
11 total coliform bacteria.
- 12 • None of the bacteriological quality samples collected in July 2013 from the
13 distribution system or the system well, tested positive for *E.coli* bacteria.
- 14 • **Frazier Woods Conference Center Water System failed the total coliform**
15 **maximum contaminant level (MCL) for July 2013 [Section 64426.1(b)(2),**
16 ***Authorities*].**
- 17 • On August 15, 2013, the Department received copies of bacteriological results
18 in the mail and learned about the total coliform positive samples collected on
19 July 30, 2013 and July 31, 2013 and the total coliform MCL violation for July
20 2013. **Neither the Water System nor the contract Operator (Seaco**
21 **Technologies, Inc.) of the Water System notified the Department of the**
22 **total coliform MCL violation for July 2013 [Section 64426.1(c),**
23 ***Authorities*].**
- 24 • On August 22, 2013, a public notice and Proof of Notification were emailed to
25 the Water System for the July 2013 total coliform MCL failure.
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- 1 • On August 28, 2013, the Department received signed and dated copies of the
- 2 public notice and Proof of Notification from the Water System. According to
- 3 these documents, public notification was completed on August 24, 2013.
- 4 • On August 22, 2013, an investigation report was emailed to the Water System
- 5 for the July 2013 total coliform MCL failure.
- 6 • On September 17, 2013, the Department received a completed copy of the
- 7 investigation report in response to the July 2013 total coliform MCL failure.
- 8 The investigation report was completed by Mr. Jeff Whitehurst from the Water
- 9 System.
- 10 • The investigation report indicates the possible cause of contamination as
- 11 undetermined. It is noted that Well 01 tested negative for total coliform
- 12 bacteria on July 31, 2013, and all total coliform positive samples were
- 13 collected from the distribution system. Therefore, the bacteriological quality
- 14 failure in July 2013 may be attributed to the problems in the distribution
- 15 system. According to the investigation report, the distribution system did not
- 16 experience any operational problems in July 2013.
- 17 • The Water System provided emergency disinfection and flushing on August 5,
- 18 2013, to clear bacteriological contamination from the distribution system.
- 19 • Five (5) routine bacteriological quality samples were collected on August 7,
- 20 2013, from the distribution system, and they all tested negative for total
- 21 coliform bacteria.
- 22 • Results of all bacteriological samples collected from January 2013 to August
- 23 2013 are summarized in **Attachment A**.

AUTHORITIES

Section 116577 of the CHSC, states in relevant part:

"(a) Each public water system shall reimburse the department for the actual costs incurred by the department for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- (2) Preparing, and issuing public notification

...
 (b) The department shall submit an invoice for these enforcement costs to the public water system that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the department. The costs set forth in the invoice shall not exceed the total actual costs to the department of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by registered mail.

(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the department may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the department may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The department shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any department regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation.”

Section 116655 of the CHSC, states in relevant part:

“(a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the department.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed.”

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

“(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Department or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

(1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or

(2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or

(3) Any repeat sample is fecal coliform-positive or E. coli-positive; or

(4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Department by the end of the business day on which this is determined, unless the determination occurs after the Department office is closed, in which case the supplier shall notify the Department within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1.”

DETERMINATIONS

Based upon the above Statement of Facts and Authorities, the Department determines that the Frazier Woods Conference Center has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for July 2013 when more than one sample collected from the Water System, tested positive for total coliform bacteria.

2. CCR, Title 22, Section 64426.1 (c); Specifically, the Water System failed to notify the Department of the August 2013 total coliform MCL failure, within 24 hours of the determination.

The above violations are classified as non-continuing violations.

DIRECTIVES

Frazier Woods Conference Center is hereby directed to take the following actions:

1. Cease and desist from failing to comply with Section 116555(a) of the California Health and Safety Code (CHSC) and Sections 64426.1(b)(2) and 64426.1(c) of Title 22, California Code of Regulations (CCR).
2. In the future, the Water System shall notify the Department within 24 hours of notification of a routine distribution total coliform positive sample, and also notify the Department within 24 hours of determination of a bacteriological MCL failure.
3. The Water System shall reimburse the Department, in accordance with an invoice that shall be provided to the Water System, the costs for enforcement activities, and such reimbursement shall be made prior to September 1 (or by a different date if specified by the Department) of the fiscal year following the fiscal year in which such costs are incurred as described in CHSC Section 116577(a)(1-2) and 116577(b).

FURTHER ENFORCEMENT ACTIONS

Section 116270, Division 104, Part 12, Chapter 4 of the CHSC authorizes the Department to: issue additional citations with assessment of penalties if the public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the

1 system has violated applicable law or regulations or has failed to comply with orders
2 of the Department; and petition the superior court to take various enforcement
3 measures against a public water system that has failed to comply with orders of the
4 Department. The Department does not waive any further enforcement action by
5 issuance of this citation.

6
7 **PARTIES BOUND**

8 This citation shall apply to and be binding upon Frazier Woods Conference Center
9 Water System, its officers, directors, agents, employees, contractors, successors, and
10 assignees.

11 **SEVERABILITY**

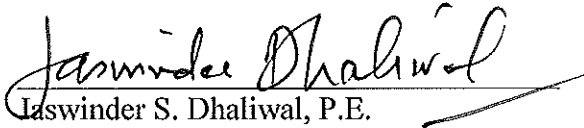
12 The directives of this citation are severable, and Frazier Woods Conference Center
13 shall comply with each and every provision thereof, notwithstanding the effectiveness
14 of any other provision.

15 **CIVIL PENALTY**

16 Section 116650, subsection (d) and (e) of the CHSC allow for the assessment of a civil
17 penalty for the failure to comply with the requirements of the Safe Drinking Water
18 Act. Failure to comply with any Directive of this Citation may result in the
19 Department imposing an administrative penalty of not less than \$200 (two hundred
20 dollars)for each day that the violation continues beyond the date set for correction in
21 this Citation.
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The Department does not waive any further enforcement action by issuance of this citation, and expressly reserves the right to issue a citation with penalties for the violations on which the Directives of this citation are based.

Sep. 23, 2013
Date


Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Tehachapi District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Attachment

Attachment A: Bacteriological Summary January 2013 through August 2013

cc: Kern County Environmental Health Services Department (w/o attachment)
Charlie Howell, Seaco Technologies, Inc. (via email)

JSD/dc

Attachment A

Frazier Woods Conference Center

1502084

Distribution System Freq: 1/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/1/2013		Closed in January							System not accessible due to heavy snow. No samples collected in January 2013.
2/5/2013	14:00	Main Lodge	A	A		Routine			
3/27/2013	14:15	Kitchen	A	A		Routine			
4/30/2013	11:00	Timberline Cabin	A	A		Routine			
5/27/2013	16:00	Main Lodge Kitche	A	A		Routine			
6/27/2013	12:05	Timberline Cabin	A	A		Routine			
7/30/2013	9:15	Kitchen	P	A		Routine			
7/31/2013	20:15	Kitchen	A	A		Repeat			
7/31/2013	20:20	Men's RR	A	A		Repeat			
7/31/2013	20:25	Timberline Cabin	P	A		Repeat		MCL	Citation 03-19-13C-045 Issued
7/31/2013	20:30	Whispering Pines	A	A		Repeat			
8/7/2013	10:20	Kitchen	A	A		Routine			
8/7/2013	10:25	Men's R/R	A	A		Routine			
8/7/2013	10:35	Timberline	A	A		Routine			
8/7/2013	10:40	Whispering Pines	A	A		Routine			

Frazier Woods Conference Center

1502084

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
7/31/2013	20:15	Well / Repeat	A	A			
8/7/2013	10:30	Well / Routine	A	A			
